

S.B.Cr.Misc. IInd Bail App. No.5026/2007

(Sardara Ram vs. State of Rajasthan)

Date of order : November 20, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.K.R.Meghwal, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers as also the statement of the prosecution witnesses PW.1 to PW.26.

It is contended by the learned counsel for the petitioner that eye-witness Raju Ram lodged the first information report Ex.P/80, wherein, he specifically stated that injury to deceased Pratapa Ram was inflicted by Bhanwara Ram by sword and accused Teja Ram by Barchhi to Gopi Ram; Pratapa Ram and Gopi Ram succumbed to the injuries by sword and Barchhi respectively by co-accused Bhanwara Ram and Teja Ram respectively. In the statement of Raju Ram PW.26, the first informant made a statement consistent to that of FIR lodged by him and stated that co-accused Teja Ram inflicted injuries by Barchhi on the neck of his father Gopi Ram and when Pratapa

Ram came to rescue his father, Bhanwara Ram inflicted injury by sword on the head of Pratapa Ram.

From perusal of the post mortem reports of Pratapa Ram and Gopi Ram, it appears that Pratapa Ram suffered incised wound on the skull alleged to have been at the hands of co-accused Bhanwara Ram and Gopi Ram suffered injuries by Barchhi at the hands of Teja Ram. So far as present petitioner is concerned, none of the witnesses specifically assigns any injury having been caused by the petitioner to either of the deceased. So far as the statements of the prosecution witnesses are concerned, no injury has been assigned to the present petitioner causing to the deceased either Gopi Ram or Pratapa Ram.

Having regard to the facts and circumstances of the case and the fact that no injury has been caused by the petitioner to the deceased persons, without commenting on the merit of the case, which may prejudice the case of either party at the trial, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Sardara Ram s/o Laxman Ram be released on bail in FIR No.59/2006, P.S.

Bap, Distt. Jodhpur provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-